

Attorney Docket No. 5032-0754 (Seq. No. 370)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Confirmation No. 6843
Keith McCloghrie, et al.)
Serial No.: 09/106,519) Group Art Unit: 2661
Filing Date: June 29, 1998)
) Examiner: Bob A. Phunkulh
) Notice of Allowance: January 3, 2005

For: **SAMPLING PACKETS FOR NETWORK MONITORING**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO DEFER ISSUANCE OF PATENT APPLICATION
UNDER C.F.R § 1.314**

Sir:

Applicant hereby respectfully petitions for deferral of the issuance of the application referenced above as a patent until the attached Response to Notice of Informal Application has been considered by the Examiner. This petition is made to allow sufficient time for the Examiner to obtain the case file and to consider the Response to Notice of Informal Application.

Based on the foregoing, it respectfully submitted that applicant has shown good and sufficient reasons why it is necessary to defer issuance of the patent as requested.

Pursuant to 37 C.F.R. § 1.314, enclosed is a check for the fee of \$130 as specified in 37 C.F.R. § 1.17(h). Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker
Reg. No. 37,777

Date: March 30, 2005

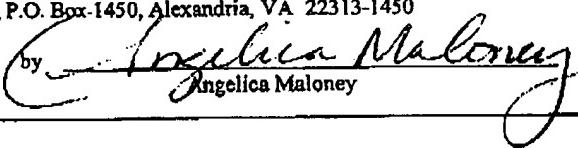
2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
(408) 414-1204
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on March 30, 2005

by


Angelica Maloney

*Courtesy
Copy*



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231Applicant(s): McCLOGHRTIE ET ALSerial Number: 09/1106,519

Filing Date: _____

Title: _____

NOTICE OF INFORMAL APPLICATION

(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

- A. A new oath or declaration, identifying this application by the serial number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

1. was not executed in accordance with either 37 CFR 1.66 or 1.68.
2. does not identify the city and state or foreign country of residence of each inventor.
3. does not identify the citizenship of each inventor.
4. does not state whether the inventor is a sole or joint inventor.
5. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
 - c. acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).
6. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
7. does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
8. does not include the date of execution.
9. does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a) for the: signature oath/declaration.
10. contains non-initialed alterations (See 37 CFR 1.52(c) and 1.56).
11. does not contain the clause regarding "willful false statements..." as required by 37 CFR 1.68.
12. Other: ONE OF THE INVENTOR'S SIGNATURE IS MISSING.

- B. Applicant is required to provide:

1. A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 CFR 1.41(a).
2. Proof of authority of the legal representative under 37 CFR 1.44.
3. An abstract in compliance with 37 CFR 1.72(b).
4. A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5. A copy of the specification written, typed, or printed in permanent ink, or its equivalent, in quality as required by 37 CFR 1.52(a).
6. Other:

Bob A. Dunn
BOB PHUNKULU